

# WOLF POPPER

October 4, 2023

**By ECF**

Hon. George C. Hanks, Jr.  
United States District Judge  
U.S. District Court, Southern District of Texas  
515 Rusk St., Room 5300  
Houston, Texas 77002

Re: *Edwards v. McDermott International, Inc. et al.*, No. 4:18-cv-4330  
(S.D. Tex.)

Dear Judge Hanks,

We are writing on behalf of the 14(a) Lead Plaintiffs in response to this Court's order dated September 29, 2023. (Dkt. 410). That order rejected Magistrate Judge Edison's Memorandum and Recommendation (Dkt. 387) and denied the 14(a) Lead Plaintiffs' motion for class certification without prejudice "to being reasserted with briefing that focuses solely on the numerosity, commonality, typicality, and adequacy requirements of Federal Rule of Civil Procedure 23(a) and the predominance and superiority requirements of Federal Rule of Civil Procedure 23(b)(3)." To that end, the order instructed the parties to submit an agreed briefing schedule on the 14(a) Lead Plaintiffs' renewed motion ("Renewed Class Certification Motion") by October 6, 2023.

The parties have met and conferred with respect to the briefing schedule. The parties agree that there should not be new expert reports, expert testimony, or fact testimony. However, Defendants refuse to agree to a new briefing schedule, as ordered by this Court.

Given that there is agreement that no new evidence or discovery is required, removing the non-Rule 23 arguments from the briefing should be a simple task and subject to expedited briefing that minimizes burdens on the parties and the Court. Therefore, the 14(a) Lead Plaintiffs proposed the following expedited briefing schedule to Defendants, and now ask the Court to so-order it:

14(a) Lead Plaintiff's Renewed Class Certification Motion	October 20, 2023
Defendants' Opposition to the Renewed Class Certification Motion	November 3, 2023
14(a) Lead Plaintiff's Reply in Further Support of the Renewed Class Certification Motion	November 17, 2023

WOLF POPPER

Hon. George C. Hanks, Jr

2

Defendants have informed us by email that they will file a motion requesting that this Court “clarify” its September 29 Order “to simply instruct Judge Edison to make a recommendation on any unaddressed class-certification issues in the existing briefing and evidentiary record on Plaintiffs’ Motion (Dkt. 263), without further briefing or submissions.” We believe that the September 29 Order requires no clarification, and that this Court can proceed in whatever manner it believes is appropriate after receiving any renewed submissions it desires.

Respectfully,

WOLF POPPER LLP

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CC: Hon. Andrew Edison  
All counsel of record, via ECF